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MINISTRY OF LAW

NOTIFICATION

New Delhi, the 17th December 1951

S.R.O. 2008.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely:—

1. In sub-rule (1) of rule 17 of the said rules, after clause (c) the following clause shall be inserted, namely:—

“(cc) a child in arms accompanying an elector;”.

2. To rule 18 of the said Rules, the following sub-rule shall be added, namely:—

“(5) The presiding officer may permit an elector to enter the polling compartment with a child in arms for the purpose of voting.”

3. For sub-rules (1) and (2) of rule 23 of the said Rules, the following shall be substituted, namely:—

“(1) The elector on entering the polling station shall first allow his left forefinger to be inspected by a polling officer for the purpose of ascertaining if he already has any mark of indelible ink on that finger. If there is no such mark, such or any other polling officer—

(a) shall ascertain the elector's name and address and such other particulars as appear on the roll and, after having checked these by reference to the roll, shall call out the number, name and description of the elector according to the entry in the roll, and

(b) shall thereafter cause the left forefinger of the elector to be marked with indelible ink and then deliver a ballot paper or the requisite number of ballot papers to the elector.

Before delivering the ballot paper or papers, the polling officer shall, where a direction has been issued in this behalf under rule 20, stamp the ballot paper or papers with such official marks as may have been specified under that rule.

(2) The polling officer shall at the time of delivery of the ballot paper or papers place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot paper or ballot papers and shall also keep a record of the serial number or numbers of the ballot paper or papers supplied to the elector in

such manner as the Returning Officer may, subject to the general or special instructions issued in that behalf by the Election Commission, direct."

4. To rule 32 of the said Rules, the following shall be added, namely:—

"at such place as the Returning Officer may direct subject to any general or special instructions issued in that behalf by the Election Commission."

5. In rule 38 of the said Rules—

- (a) in sub-rule (1) the following words shall be added at the end, namely:—

"Where the seats to be filled include one or more seats reserved for the Scheduled Castes or the Scheduled Tribes, the names of the candidates belonging to the Scheduled Castes or the Scheduled Tribes shall be indicated on the ballot paper by means of suitable distinguishing marks.";

- (b) to sub-rule (1) the following proviso shall be added, namely:—

"Provided that the Election Commission, may, if it is satisfied that the number of electors entitled to vote by postal ballot at an election is small, direct that the names of the candidates on the ballot paper and the distinguishing mark, if any, to be indicated against any such name, shall either be typed or be in manuscript as the Election Commission may think fit."

6. For rule 40 of the said Rules, the following rule shall be substituted, namely:—

"40. **Attestation of elector's signature on the ballot paper.**—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper either by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified or—

- (a) in the case referred to in clause (a) of sub-rule (3) of rule 38, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;
- (b) in the case referred to in clause (b) of that sub-rule, by an officer not below the rank of a Deputy Secretary to Government;
- (c) in the case referred to in clause (c) of that sub-rule, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident; and
- (d) in the case referred to in clause (d) of that sub-rule, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention."

7. In rule 44 of the said Rules—

- (a) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) At an election in a constituency (other than a Council constituency) where a poll is taken, the Returning Officer shall appoint a date or dates (which shall be as soon as practicable after the completion of the poll throughout the constituency) for the counting of votes and shall fix the place and time at which the votes shall be counted on the date or each of the dates so appointed:

Provided that the place at which the ballot papers contained in any ballot box shall be counted shall be fixed by the Returning Officer in accordance with such general or special directions as may be issued in that behalf by the Election Commission;"

- (b) in sub-rule (2), for the words "notice of such date" the words "notice of each such date" shall be substituted;

(c) in sub-rule (3)—

(i) for the words "If, at the time so appointed for the counting of votes all the ballot boxes used at the poll have not been received" the words "If, at the time so appointed for the counting of votes at any such place, all the ballot boxes containing the ballot papers which are to be counted at such place under the proviso to sub-rule (1) have not been received" shall be substituted;

(ii) after the words, brackets and figure "under sub-rule (1)" the words "at any place fixed under that sub-rule" shall be inserted.

8. In rule 46 of the said rules—

(1) in sub-rule (1)—

(a) in clauses (i) and (v), for the words "all the ballot boxes used at the poll" the words "all such ballot boxes as contain the ballot papers which are to be counted at such place" shall be substituted;

(b) in clause (vi)—

(i) for the words "One ballot box shall be opened at a time and" the words "As each ballot box is opened for counting" shall be substituted;

(ii) the words "The same procedure shall then be followed in respect of the other ballot boxes and the ballot papers contained therein" shall be omitted;

(c) in clause (viii), for the words "separate cover" the words "separate packet" shall be substituted;

(d) in clause (ix)—

(i) for the words "all the covers" the words "all the packets" shall be substituted;

(ii) for the words "in a separate packet" the words "together in a separate container or containers" shall be substituted;

(iii) for the words "all such packets" the words "all such containers" shall be substituted;

(iv) for the words "each such packet" the words "each such container" shall be substituted; and

(v) for the words "in such packet" the words "in such container" shall be substituted;

(e) in the second sub-paragraph, for the words "After completing the counting of ballot papers contained in all the ballot boxes" the words "After the counting of ballot papers contained in all the ballot boxes used at all the polling stations in the constituency has been completed" shall be substituted;

(2) for sub-rule (3) the following sub-rule shall be substituted, namely:—

"(3) After the counting of ballot papers contained in all the ballot boxes used at all the polling stations in the constituency and of the votes recorded on postal ballot papers has been completed, the Returning Officer shall—

(a) in the case where such votes have been counted at one place, record in the statement in Form 14 the total number of votes polled by each candidate, and

(b) in the case where such votes have been counted at more places than one, prepare a consolidated statement in Form 14A recording in that statement the total number of votes polled by each candidate in the entire constituency."

9 To rule 48 of the said Rules the following further proviso shall be added, namely:—

"Provided further that where votes have been counted at more places than one, no such application for a recount shall be entertained unless it is made at any such place immediately after the account of the ballot papers found in the ballot boxes and counted at such place has been recorded in the statement in Form 14 and it relates only to the counting of votes at such place."

10. For rule 67 of the said Rules, the following rule shall be substituted, namely:—

"67. Attestation of elector's signature on the ballot paper.—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper either by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified or—

- (a) in the case referred to in clause (a) of sub-rule (3) of rule 65, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;
- (b) in the case referred to in clause (b) of that sub-rule by an officer not below the rank of a Deputy Secretary to Government;
- (c) in the case referred to in clause (c) of that sub-rule, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;
- (d) in the case referred to in clause (d) of that sub-rule, by the Superintendent of the Jail or the Commandant of the Detention Camp in which the elector is under detention; and
- (e) in other cases, by such other person as may be notified in this behalf by the Election Commission.

11. In Schedule I to the said Rules—

(a) In Form 11—

(i) after paragraph 2 of the Instruction, the following paragraph shall be inserted, namely:—

"2A. The candidates whose names are marked with† are members of the Scheduled Castes/(and) the candidates whose names are marked with‡ are members of the Scheduled Tribes.";

(ii) for paragraph 4 of the instructions, the following paragraph shall be substituted namely:—

"4. An elector shall obtain the attestation of his signature on the back of this form either by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified, or—

- (a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has been appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;
- (b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government;
- (c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such person by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident; and

(d) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention;

(b) after Form 14, the following new Form shall be inserted, namely:—

"FORM 14-A.

[Rule 46(3)]

Consolidated Account of Ballot Papers.

House of the People

.....Legislative Assembly

.....Electoral College

Election for.....Constituency, 19

Name of candidate.....

Serial No. of entry.	Place of the Counting	Number of valid votes in ballot boxes

Total number of valid votes recorded in ballot papers contained in the ballot boxes.....

Total number of valid votes recorded on postal ballot papers.....

Total votes polled.....

Date.....

Signature of Returning Officer."

(c) in Form 18, for paragraph 5 of the Instructions, the following paragraph shall be substituted, namely:—

"5. An elector shall obtain the attestation of his signature on the back of this form either by a Magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified, or—

(a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has been appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;

(b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government;

(c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such person, by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;

- (d) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and
- (e) in other cases, by any of the following persons who have been notified in this behalf by the Election Commission, namely.—

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[No. F. 134(3)/51-C.]

S. N. MUKERJEE, Jt. Secy.